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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,506	12/16/1999	LANCE LUNDBERG	ICON-102	8959

7590 02/08/2007
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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/465,506	Applicant(s) LUNDBERG ET AL.	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14, 16-38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14, 16-38, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 11/16/06.

Response to Amendment

2. No claims have been amended. The abstract has been replaced as per request. Although, the examiner has indicated allowability of the pending claims in the previous ex-parte Quayle action, upon further review the claims have found to be defective under 35 USC 112 (first and second) when considered in view of the disclosure. Accordingly, the allowability of the pending claims indicated in the prior action has been withdrawn. The examiner regrets this action and requests the applicant to carefully review the specification and amend the subject claims to resolve the identified defects.

Claim Rejections - 35 USC § 112

3. Claims 2-14, 16-38, 40 and 41 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. (See the following explanation.)
4. Claims 2-14, 16-38, 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3693

The following exemplary analysis is provided to identify significant deficiencies of the claimed inventions. Note that dependent claims are rejected for same reasons. All independent claims contain deficiencies representative of claim 6.

Independent claim 6 recites step (b) as “calculating a total security finance plan cost based on the inventory allocations and cost bases of the inventory components” .

(underlined emphasize added.)

However, there is no support for the term this limitation in the specification which at p. 10 teaches that “total actual or total estimated plan cost basis for the particular products or categories of products” in the plan are determined.

The examiner suggests step (a) to read:

(a) processing and/or storing data identifying inventory allocations and inventory components in an inventory of products identified by the CSC.

(b) calculating actual (or total estimated) cost basis for products in the inventory based on the inventory allocations and inventory components processed or stored in step (a).

Step (c) recites calculating a cash-credit ration between 1/99 and 99/1. This limitation does not provide basis for the calculating step and therefore renders the entire claim indefinite. According the specification (see p. 11 L 21+) cash-credit ratios is representation (or a from) of the cash-credit blend. (see claim 5 for example). Therefore there in no basis for step (c) independent of the other process involved in determination of the cash-trade credit blend itself. Furthermore, there is no support in the disclosure for calculating the cash-credit ratio other than representing the “cash/trade-credit blend” as such.

Art Unit: 3693

Step (d) is inconsistent with and contradictory to the teaching of the disclosure because the terms “cash-credit ration and “cash/trade-credit blend” are defined as equivalent. This step recites that the cash/trade blend is based on (a) desired plan cost basis (b) the calculated cash-credit ratio and (c) the investment value.

It is suggested that step (c) be deleted to remove the aforementioned defect and be substituted by the following process step require to complete the invention process.

(c) obtaining a valuation of the CSC using one of the accepted methods.

The examiner suggests changing step (d) to read as follows:

(d) calculating one or more cash/trade-credit blend based on the total plan cost basis and the valuation of the CSC obtained.

Claim 6 fails to provide antecedent basis for the limitation “the desired plan cost basis” in the claim. The specification at p. 10 and p.11 teaches that the TC determines a cash/trade-credit blend are dependent upon the following additional steps (a) determining valuation of the CSC obtained from one of the acceptable valuation methods (b) the CSC and the TC reaching agreement on an amount (that the TC will invest in the CSC) based upon the valuation of determined valuation of the CSC.

Claim 7 recites “the desired plan cost basis”. There is no antecedent basis for this limitation.

Claim 8 recites “the valuations”. There is no antecedent basis for this limitation. The applicant is requested to thoroughly review all pending claims in view of the exemplary deficiencies outlined above. The applicant is required to specify where each of the claimed limitations are supported in the specification.

Art Unit: 3693

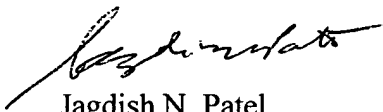
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

2/5/07